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8 LUIS ALVAREZ,  
9 Petitioner,  
10 v.  
11 ROB ST. ANDRE,  
12 Respondent.

Case No. 23-cv-03002-RMI

**ORDER TO SHOW CAUSE RE:  
PETITION FOR WRIT OF HABEAS  
CORPUS**

Re: Dkt. No. 1

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14 After a trial in the Santa Clara Superior Court, Petitioner was convicted of first-degree  
15 murder on December 3, 2018, following which, on April 23, 2019, the court imposed a sentence of  
16 twenty-five years to life. *See* Pet. (dkt. 1) at 5. Petitioner then timely appealed and, on May 23,  
17 2022, the appellate court issued affirmed the conviction and sentence. *Id.* Petitioner is currently  
18 incarcerated at the High Desert State Prison in Susanville, California. *Id.* at 4.

19 Thereafter, Petitioner, represented by counsel, initiated this habeas action pursuant to 28  
20 U.S.C. § 2254. The court has reviewed the § 2254 Petition and has determined that it warrants a  
21 response from Respondent. Accordingly, the court **ORDERS** Respondent to show cause why the  
22 Petition should not be granted as follows:

23 1. Petitioner shall serve, by certified mail, a copy of this Order and the Petition and all  
24 attachments thereto upon Respondent and upon the Attorney General for the State of  
25 California. Promptly thereafter, Petitioner shall file a certification of service on the docket  
26 of this case.

27 2. Respondent shall file with the court and serve on Petitioner, within 60 days of the date of  
28 service, an Answer conforming in all respects to Rule 5 of the Rules Governing Section

United States District Court  
Northern District of California

1           2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent  
2           shall file with the Answer and serve on Petitioner a copy of all portions of the underlying  
3           state criminal court records that are relevant to a determination of the issues presented by  
4           the Petition.

5           3. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the  
6           court and serving it on Respondent within 30 days of his receipt of the Answer.  
7           4. Respondent may file a motion to dismiss on procedural grounds in lieu of an Answer, as  
8           set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254  
9           Cases. If Respondent files such a motion, Petitioner shall file with the court and serve on  
10          Respondent an opposition or statement of non-opposition within thirty (30) days of receipt  
11          of the motion. Respondent may file with the court and serve on Petitioner a reply within  
12          fifteen (15) days of receipt of any opposition.

13          **IT IS SO ORDERED.**

14          Dated: February 14, 2024



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15          ROBERT M. ILLMAN  
16          United States Magistrate Judge